

ARTICLE III. ANIMAL NUISANCE

Sec. 6-71. Unlawful creation of nuisance.

It shall be unlawful for any animal to engage in any of the acts listed in section 6-2 in the definition of the term "nuisance." Upon receipt of a written, detailed and signed complaint, an animal control officer shall investigate to determine whether a violation of this article has occurred, and the officer shall make a written report of the findings of the investigation.

(Code 1995, § 343.31)

Sec. 6-72. Animal housed or restrained near public way.

- (a) In addition to any penalties prescribed by section 6-13, when it has been determined that an animal housed or restrained less than 15 feet from a public street, road or sidewalk constitutes a nuisance, but the animal is not in the street, road, or on the sidewalk, the animal control officer shall issue a notice to the owner directing the owner to move the animal. If the animal is found in the public street, road or sidewalk and the owner is not at home or refuses to remove the animal from the street, road or sidewalk, the animal shall be seized and impounded.
- (b) When an animal has been impounded three times or the owner has been cited three times for housing the animal less than 15 feet from the public street, road or sidewalk, the chief animal control officer shall seize and impound the animal and may initiate a civil action in district court to gain permanent custody of the animal. The owner may also be subject to penalties for habitual violation of this chapter as provided in section 6-13.

(Code 1995, § 343.32)

Sec. 6-73. Intentionally or willfully causing animal to violate article.

It shall be unlawful for any person to intentionally or willfully cause an animal to be a public nuisance. The animal control officer may initiate the issuance of a criminal summons for violation of this section.

(Code 1995, § 343.33)

Sec. 6-74. Sanctions, fines, penalties and remedies.

- (a) Upon determining that a violation of this article has occurred, the animal control officer shall issue a written declaration of nuisance to the owner of the animal along with a civil penalty in accordance with section 6-13. If the nuisance for which the declaration of nuisance is issued is a condition which is offensive to sight or smell, the owner shall have 72 hours within which to abate the condition before a first civil penalty is issued.

- (b) Subsequent violations of this article shall subject the owner of the animal to civil penalties in accordance with section 6-13 or criminal penalties as provided by law.
- (c) Any animal found off of the property of its owner after having been declared a nuisance or any animal creating a nuisance for whom an owner is unknown and cannot be determined may be seized and impounded. A notice of impoundment shall be served upon the owner or affixed to the owner's premises.
 - (1) The animal may be redeemed pursuant to articles I and V of this chapter.
 - (2) If the animal is not redeemed within five working days, it shall automatically become property of the county.
- (d) (d) Nothing in this article shall prevent a private citizen from bringing an action to abate a nuisance or from bringing an action for damage, loss or injury to the private citizen or his property resulting from the animal being a public nuisance.

(Code 1995, § 343.34)

Secs. 6-75--6-100. Reserved.